

REMARKS

This Response, submitted in reply to the Office Action dated June 19, 2007, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-14 are all the claims pending in the application.

I. Allowable Subject Matter

The Examiner has indicated that claims 5, 6 and 10 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At the present time, Applicant has not rewritten claims 5, 6, and 10 in independent form since Applicant believes claims 5, 6 and 10 will be deemed allowable by virtue of their dependency to claim 1 for at least the reasons set forth below.

II. Claim Rejections under 35 U.S.C. § 102

Claims 1-4, 7-9, and 11-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Falkenstein (U.S. Pub. No. 2002/0080445; hereinafter "Falkenstein").

The Examiner asserts that Falkenstein anticipates the elements of claim 1. However, Falkenstein appears to suffer from the same deficiencies in the prior art that an exemplary embodiment of the present invention attempts to overcome. As discussed on page 2 of the Applicant's specification, in the prior art, in the case of a failure, the low priority "extra-traffic" in the protection channels is pre-empted by the MS-SPRING protection mechanism to allow restoration of the traffic of the working channels. Such a protection mechanism has a drawback that in practice 50% of the global SDH/SONET capacity resources are wasted and are not used for transporting traffic, thus reducing drastically the reliability of the transmission of the extra-traffic.

As discussed in Falkenstein, page 5, para [0056]:

Working tributaries are tributaries that can be protected. Protection tributaries are unprotected tributaries that can be used to protect other tributaries. In BLSR and 1 x N port protection groups, protection access is supported. Protection access is the provisioning of traffic to be carried by protection tributaries when they are not being used to carry the protected service traffic. This includes preemptible protection access (also called "extra traffic") which is preempted during protection switching, and non-preemptible protection access (also called "NUT" or Non-preemptible Unprotected Traffic) in which the protection tributaries are provisioned not to participate in the protection switching. Protection access is not applicable to 1+1 line protection because the service traffic is permanently bridged at the head end to both lines.

Therefore, Falkenstein appears to suffer from the deficiencies in the prior art which an exemplary embodiment of the invention attempts to overcome. For at least this reason and the reasons set forth below, Falkenstein does not anticipate the elements of claim 1.

Claim 1

Claim 1 recites:

A method for using the complete resource capacity of a synchronous digital hierarchy network, subject to a protection mechanism, in the presence of a data packet network, said network comprising nodes bidirectionally transmitting time division multiplex (TDM) and data traffic over Working and Protection capacity/channels, wherein in case of a failure at the affected nodes, said method comprising:

cutting the working capacity;

subjecting the TDM traffic to said protection mechanism, and shifting the TDM traffic over the protection capacity;

shifting a part of high priority data traffic over the protection capacity; and

a part of low-priority data traffic, transported over the protection capacity in normal conditions, shares a remaining protection capacity with a low-priority part of

the data traffic, transported over the working capacity in normal conditions, wherein the complete protection capacity is used to carry data traffic in both normal and failure conditions.

The Examiner asserts that paras. [0028]-[0030], [0084] and [139-145] of Falkenstein teach the elements of claim 1. The respective paragraphs of Falkenstein cited by the Examiner disclose an integrated network element which allows users to provision cross connections between input and output path level units of bandwidth referred to "logical tributaries." By allowing a user to provision cross connections between logical tributaries, rather than directly between ports, an integrated network element permits a user to provision working and protection paths from any port to any other port in the NE without requiring the user to know the details such as switching status. Further, Falkenstein discloses the assigning of an access identifier after configuring protection switching and the configuring of the working and protection tributaries in the assigned ports based on their assigned west/east and/or working/protection roles.

However, there is no teaching or suggestion of, for example, subjecting TDM traffic to a protection mechanism, shifting TDM traffic over a protection capacity, and a part of low-priority data traffic, transported over the protection capacity in normal conditions, shares a remaining protection capacity with a low-priority part of the data traffic, transported over the working capacity in normal conditions, wherein the complete protection capacity is used to carry data traffic in both normal and failure conditions, as claimed.

Consequently, Falkenstein does not teach or suggest each and every element of claim 1. Therefore, claim 1 and its dependent claims should be deemed allowable. To the extent claim 13 recites similar subject matter, claim 13 and its dependent claims should be deemed allowable for at least the same reasons.

RESPONSE UNDER 37 C.F.R. 1.116
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III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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